

DEXCOM.8DVC1

CUSTOMER NO.: 20995

2814 #55
#20 Terminal
Disclaim**TERMINAL DISCLAIMER UNDER 37 C.F.R. § 1.321**

Applicant : Shults, et al.
Appl. No. : 09/489,588
Filed : 21-Jan-2000
For : DEVICE AND METHOD FOR
DETERMINING ANALYTE
LEVELS
Examiner : Nasser, R.
Group Art Unit : 3736

CERTIFICATE OF FAX TRANSMISSION

I hereby certify that this correspondence and all marked attachments are being transmitted via facsimile to Examiner Nasser, Fax No. 703 308 0758 of the USPTO on the date shown below:

August 7, 2003

(Date)

Rose M. Thiessen, Reg. No. 40,202

Commissioner for Patents

P.O. Box 1450

Alexandria, VA 22313-1450

08/08/2003 LFULTON 00000001 111450 05439584

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Empowerment of Attorney

Pursuant to 37 C.F.R. § 1.321(b) the undersigned attorney of record is empowered to act on behalf of the Assignee, DexCom, Inc. ("Assignee"), by virtue of a Power of Attorney executed on 21-Oct-2002, a copy of which is attached.

Right of Assignee and Ownership

In accordance with 37 C.F.R. § 3.73(b), Assignee represents that it is the owner of a 100 percent interest in the above-identified application and co-owned Patent No. 6,001,067, all by virtue of an assignment recorded at Reel No. 01187, Frame No. 0546 by the Assignment Branch of the Patent and Trademark Office. The Assignee represents that, to the best of Assignee's knowledge and belief, title is in the Assignee seeking to take action.

Disclaimer by Assignee

Assignee hereby disclaims, except as provided below, the terminal part of any patent granted on the above-referenced application that would extend beyond the expiration date of the full

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statutory term of U.S. Patent No. 6,001,067, and hereby agrees that any patent so granted on the above-identified application shall be enforceable only for and during such period that the instant application and U.S. Patent No. 6,001,067 are co-owned. This agreement extends to any patent granted on the above-referenced application and shall be binding on its successors or assigns.

Assignee does not disclaim any terminal part of any patent granted on the above-referenced application prior to the earlier of the expiration date of the full statutory term of U.S. Patent No. 6,001,067, and that of any patent issuing on the above-identified application in the event that either one later expires for failure to pay a maintenance fee, is held unenforceable, is found invalid, is statutorily disclaimed in whole or terminally disclaimed under 37 C.F.R. § 1.321(a), has all claims canceled by a reexamination certificate, or is otherwise terminated prior to expiration of its statutory term, except for the separation of legal title stated above.

This Terminal Disclaimer is accompanied by the \$55 fee set forth in 37 C.F.R. § 1.20(d).

Respectfully submitted,

KNOBBE, MARTENS, OLSON & BEAR, LLP

Dated: 8/7/03

By: 

Rose M. Thiessen
Registration No. 40,202
Attorney of Record
Customer No. 20,995
(619) 235-8550

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TERMINAL DISCLAIMER UNDER 37 C.F.R. § 1.321

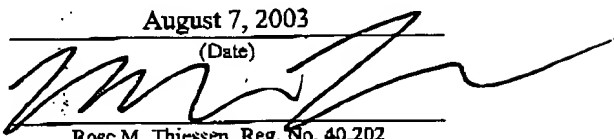
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